

Bentonville City Council
Meeting Minutes
November 24, 2015

The City Council of Bentonville, Arkansas, met in regular session Tuesday, November 24, 2015, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present were council members Stephanie Orman, John Skaggs, Tim Robinson, James Smith, Bill Burckart, Octavio Sanchez, Jim Webb, with Chris Sooter absent. Also present were Mayor Bob McCaslin, City Attorney George Spence, City Clerk Linda Spence, the press, city staff and the audience.

At 6:00 p.m., prior to calling the meeting to order, Mayor McCaslin invited public comments. There was no response so the Mayor declared the comment period closed. The Mayor then invited questions or comments from the Council about items on the agenda and there were none.

Thereafter, Mayor McCaslin called the meeting to order. The Mayor led everyone present in the pledge of allegiance followed by a moment of silence in support of our armed forces.

Motion was made by Alderman Smith to approve the minutes of the November 10, 2015 meeting as presented, second by Alderman Robinson. There was no discussion. Motion carried(7-0), with Alderman Sooter absent.

Mayor McCaslin announced that an update from Ozark Regional Transit (ORT) had been added to the published agenda and would be first on the agenda. The Mayor called on Jeff Hatley from ORT who presented a report on current operations. Several aldermen asked questions.

Alderman Smith and then Alderman Skaggs asked Mr. Hatley about the placement of shelters at bus stops in Bentonville. Mr. Hatley stated that when ORT had approached the City about the shelters they had been told that the design was not in conformity with City

requirements. Troy Galloway, Community and Economic Development Director, indicated that ORT had approached the City about the shelters several years ago when it was operating under its previous director and that the shelters proposed at that time were not in conformity with City requirements. Mr. Galloway also indicated that ORT had upgraded the design of their shelters and it was his opinion that the City and ORT would be able to work together to arrive at an acceptable design.

Alderman Burckart asked if ORT had been involved in the community planning process and Mr. Galloway indicated that there had been some involvement.

1. National Association of City Transportation Official Designing Cities Conference presentation.

Mayor McCaslin recognized Troy Galloway who gave a presentation concerning the attendance by himself and other representatives of the City at the Designing Cities Conference in Austin, Texas.

Alderman Robinson commented that the conference pointed him toward needed changes in ordinances, specifically pointing toward a "complete streets ordinance" and/or revising ordinances concerning skateboards and the design of streets to accommodate alternate forms of transportation.

Alderman Webb asked Mr. Galloway about his takeaways from the conference and he stated that they were the discussions relating to the "complete streets" concept and the need to better focus on connecting trails and sidewalks.

Motion was made by Alderman Burckart to suspend the rules regarding the reading of all ordinances on three separate days and further that all ordinances and resolutions be read by title only, second by Alderman Robinson. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

- 2a. Ordinance No. 2015-131: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to PRD, planned residential development.

[Applicant: Chambers Bank; Location: Southwest Windmill Road and Southwest Nomad Road]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

- 2b. Ordinance No. 2015-132: Ordinance accepting a lot split of Lot 1 Foy Addition to the City of Bentonville, Arkansas.

[Applicant: Elizabeth Foy;
Location: 610 Southwest O Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Sanchez, second by Alderman Orman. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

3. Resolution No. 11-24-15 A: Resolution authorizing the Mayor and City Clerk to enter into an agreement with the Northwest Arkansas Regional Planning Commission for continued participation in a regional effort to address water quality issues.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Sanchez, second by Alderman Webb.

Alderman Orman asked how much the other cities were contributing and Mike Bender, Public Works Director, stated that the cities were paying \$40,000 each toward the Work Group's operations.

There was no further discussion. Motion carried (7-0), with Alderman Sooter absent.

4. Resolution No. 11-24-15 B: Resolution expressing the City Council's intent to participate in cooperative regional efforts to evaluate the potential cost savings and environmental benefits that may be available to the City of Bentonville through formation of a Northwest Arkansas multi-jurisdictional water quality compliance association.

City Attorney Spence read the resolution by title only.
Motion to pass by Alderman Sanchez.

Alderman Burckart asked whether the trading program would be set up based on values or locations. Mr. Bender stated that had not been determined yet, but that potentially the program would include both. Mayor McCaslin stated that it would be wise to be involved in this regional system which was somewhat being imposed by the EPA. Alderman Burckart stated that he agreed but was concerned about how the system of brokering would work.

Second by Alderman Burckart. There was no further discussion. Motion carried (7-0), with Alderman Sooter absent.

- 5a. Resolution No. 11-24-15 C: Resolution authorizing the Mayor and City Clerk to enter into a maximum guaranteed price amendment to the professional services agreement with Flintco, LLC for construction management services for the development of the City maintenance facility located on Southwest 28th Street.

City Attorney Spence read the resolution by title only.
Motion to pass by Alderman Sanchez, second by Alderman Robinson. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

- 5b. Approval of a budget adjustment in the amount of \$7,500,000, recognizing funds from various accounts and moving it to one account, to fund construction of the new City maintenance facility.

Motion to approve by Alderman Burckart, second by Alderman Robinson. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

6. Resolution No. 11-24-15 D: Resolution authorizing the Mayor and Clerk to enter into an agreement with FTN & Associates for a drainage study of the southwest downtown quadrant.

City Attorney Spence read the resolution by title only.

Alderman Burckart asked whether there had not already been a study. Ben Peters, City Engineer, stated that there was an earlier study but that this study was for a different area.

Motion to pass by Alderman Sanchez, second by Alderman Burckart There was no further discussion. Motion carried (7-0), with Alderman Sooter absent.

7. Approval to award bid No. 15-53 to Diamond C Construction Company in the amount of \$67,966.90 for the Bentonville Sidewalk Improvements 2015 project along Southeast 22nd Street, Northwest 2nd Street and Been Road.

Motion to approve by Alderman Orman, second by Alderman Webb. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

8. Approval of a reconciliation change order for completion of the North Walton Boulevard Trail project. The final cost is \$34,023.32 less than the contracted amount of \$825,270.28.

Motion to approve by Alderman Orman, second by Alderman Webb. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

9. Resolution No. 11-24-15 E: Resolution adopting the 2016 budget for the City of Bentonville, Arkansas.

City Attorney Spence read the resolution by title only.

Alderman Smith stated that he wanted to raise an issue to make the Council aware of it. He stated that he had become aware of the Walton Family Foundation (WFF) approaching the City about a tunnel being constructed under Highway 102 at the point where the Razorback Greenway crosses Highway 102 at Southeast P Street. He also stated it was his understanding that the Foundation was willing to provide 90 percent of the funding on the anticipated \$2.5 million project if the City would agree to pay 10 percent.

Alderman Smith stated that he had met with the Mayor to discuss the proposal and that the Mayor had indicated that timing was an issue with the proposal due to other ongoing and planned projects.

Alderman Smith added that he wanted to cite to a WFF study regarding cycling which indicated that there is a problem at Southeast P Street and Highway 102. He stated that metering conducted at the crossing earlier this year had indicated average monthly crossings of 3,636 pedestrians and cyclists. He also indicated that there were 27,000 children in the several school districts in Northwest Arkansas riding bikes in school programs partly sponsored by the WFF.

Alderman Smith stated that there is not really a trail at the point where the Greenway crosses Highway 102 and continues down Southeast P Street and that he thought the City should seize this opportunity to make this improvement or at least keep the potential project on the City's radar for the future.

Mayor McCaslin stated that the City staff had begun the budgeting process in August and that a focus was to build the new campus for the City utility departments without incurring any debt. In connection with that, he had asked the Directors to not bring capital items forward which were not critical. The Mayor indicated that the proposal for the tunnel project was brought to him shortly after the budget process was completed. The Mayor noted that while he had not put the project in the 2016 budget due to the timing of the proposal and considerations about constructing other projects, he had not turned the project down. The Mayor added that the proposed project could be considered for 2016 as a budget adjustment, but that in doing so it would be appropriate to consider it in the context of other capital proposals which were not included in the 2016 budget for similar reasons.

Alderman Burckart stated that he thought the proposed tunnel could be a safety issue and that he would like to see the City find the funds for it. Alderman Robinson indicated that

he too wanted to see options for adding the tunnel as a City project.

David Wright, Parks and Recreation Director, stated that the City could initiate design for the project, which he understood would take about eight months and would be about 10 percent of the costs which had been discussed. Mr. Wright also noted that the Parks Board had eliminated consideration of other proposed capital items due to efforts to curtail spending which was not critical. He added that the proposal to put a tunnel under Highway 102 had not been discussed with them at all and he stated he thought it should be vetted through them and prioritized along with other possible expenditures.

Motion to approve resolution by Alderman Robinson, second by Alderman Webb.

Alderman Burckart stated and later made a motion that capital improvements for the Electric Department be limited to those reflected in the recent HDR rate study (\$3.5 million) with the remaining proposed appropriation to be allocated to a capital reserve account for use in 2016 or later as specified in the study. He stated that essentially he wanted to restrict the capital expenditures for the Electric Department to those included in the HDR study and that other expenditures should come before the Council for approval prior to purchase.

Travis Matlock, Engineering Director, stated that the budgeted items for electrical were based on anticipated needs for 2016. When asked about why the budgeted items did not match those from the study, Mr. Matlock stated that the study was done prospectively based on 2014 figures and that the 2016 budget was prepared based in part on information learned at a later time.

Alderman Orman asked about the approval of the rates at the previous meeting and whether the Council had not approved review and possible adjustment of the rates prospectively. City Attorney Spence stated that his recollection was that there was in fact some discussion of that, but that the

discussion had more centered on the possibility of approving the proposed increases a year at a time to be able to take into account actual performance. He noted that in the end the rates were approved for all three years and that while he could not be sure without the issue being researched, altering them might require another rate study due to the agreements made in obtaining bonds.

Alderman Smith stated that the staff had identified the proposed items as needs and he thought the items should be approved.

Alderman Burckart stated that he withdrew his motion.

Alderman Sanchez stated that many things had been discussed about the rate study but that the whole increase over three years had been approved. He added that he would be willing to consider removing the third year of increases, but that he thought a study would be necessary to support such an action.

Alderman Webb stated that he agreed the rates could be looked at again later.

There was no further discussion. Motion carried (7-0), with Alderman Sooter absent.


Mayor McCaslin noted that the Council would meet as a Committee of the Whole on December 7th to hear comments about the proposed Bella Vista dam project. He added that the agenda for December 8th was shaping up to be a long one even without considering the dam proposal.

Mayor McCaslin noted that it had been the usual course for many years to cancel the second meeting in December and that any business coming up that could not wait was considered at a special meeting called in conjunction with the annual holiday luncheon. The Mayor further stated that this year's luncheon would be on December 18th.

Motion by Alderman Burckart to cancel the December 22, 2015 meeting, second by Alderman Smith. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

Alderman Smith stated that it was his understanding that the Council would meet as a Committee of the Whole in February under the schedule adopted in early 2015. He requested that at that meeting the Council be provided an update on the status of street projects and the community plan.

Motion to adjourn by Alderman Burckart, second by Alderman Webb. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.



Linda Spence, City Clerk



Bob McCaslin, Mayor

